

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
(Page 2)**

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

Application No

Filed (Day/Mo./Yr.)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| <u>Application No.</u> | <u>Filed (Day/Mo./Yr.)</u> | <u>Status</u> <u>(Patented, Pending, Abandoned)</u> |
|------------------------|----------------------------|--|
| 10/416,623 | 12 May 2003 | Pending |
| PCT/US01/46726 | 05 November 2001 | Pending |
| PCT/US01/18324 | 06 June 2001 | Pending |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration numbers).

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**SYSTEM AND METHOD FOR
CONTROLLING ACCESS TO DIGITAL CONTENT,
INCLUDING STREAMING MEDIA**

CROSS REFERENCE TO RELATED APPLICATIONS

[0001] This application is a continuation-in-part of United States Application No. 10/416,623 filed on May 12, 2003 for SYSTEM AND METHOD FOR CONTROLLING ACCESS TO DIGITAL CONTENT, INCLUDING STREAMING MEDIA, which is based on International Application Serial No. PCT/US01/46726, filed on November 5, 2001, for SYSTEM AND METHOD FOR CONTROLLING ACCESS TO DIGITAL CONTENT, INCLUDING STREAMING MEDIA, which is a continuation-in-part of International Application Serial No. PCT/US01/18324, filed June 6, 2001, for SYSTEM AND METHOD FOR CONTROLLING ACCESS TO DIGITAL CONTENT, INCLUDING STREAMING MEDIA, all of which are hereby incorporated by reference herein.

BACKGROUND OF THE INVENTION

1. Field of the Invention

[0002] The present invention relates generally to controlling access to digital content and, more particularly, to ticket-based systems and methods for limiting access to streaming media.

2. Description of Related Art

[0003] With the advent of the Internet and the World Wide Web, an industry has developed around the delivery of digital content, such as streaming media content. By way of example, streaming media may be used for any of a number of purposes, including entertainment, distance learning and corporate purposes. Entertainment companies stream movies and sporting events, distance learning companies stream educational content, and corporations stream training materials.

[0004] With many such uses of streaming media, controlling access to the content is imperative. For example, entertainment companies may charge end users for each viewing of



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| | | |
|-------------------------------------|---|----------------------|
| In Re Application of | : | |
| MADISON et al. | : | |
| Application No.: 10/416,623 | : | DECISION ON |
| PCT No.: PCT/US01/46756 | : | |
| Int. Filing Date: 05 November 2001 | : | PETITION |
| Priority Date: 06 June 2001 | : | |
| Attorney Docket No.: 694231/0074 | : | UNDER 37 CFR 1.10(c) |
| For: METHOD FOR CONTROLLING ACCESS: | : | |
| TO DIGITAL CONTENT AND STREAMING | : | |
| MEDIA | : | |

This is a decision on applicant's "PETITION TO CORRECT FILING DATE AND REQUEST FOR CORRECTED NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 AND CORRECTED FILING RECEIPT" filed, via facsimile in the United States Patent and Trademark Office (USPTO) on 20 February 2004. Although applicant alleges that the petition was originally filed on 01 December 2003, the original petition is not located in the application file and no proof of its filing on 01 December 2003 was presented.

BACKGROUND

On 05 November 2001, applicant filed international application No. PCT/US01/46756, which claimed a priority date of 06 June 2001 and which designated the United States. Thereafter, before the expiration of the thirty month period, applicant filed a transmittal letter for entry into the national stage, the basic national stage filing fee and an executed declaration, which was accorded a filing date of 13 May 2003.

On 11 September 2003, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) indicating an international filing date of 05 November 2001 and 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 13 May 2003.

On 20 February 2004, applicant filed the present request with a copy of the Notification of Acceptance, certificate of mailing and the Customer Copy Express Mail label. Applicant urges that the Form 903 and filing receipt be corrected to indicate a filing date of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) filing date of 12 May 2003.

DISCUSSION

Applicant filed the present request, which included a copy of the Customer Copy of the "Express Mail" mailing label #EV086092412US and certificate of mailing. The Express Mailing label shows a "Date In" of "5/12/03" and bears a USPS date-stamp of "May 12 2003". The original Express Mail envelope is not located in the application file.

The evidence of record is sufficient to establish with reasonable certainty that the national stage application papers were deposited with the USPS as an "Express Mail" Mailing on 12 May 2003. The "Express Mail" number is the same number that appears on the certificate of mailing

Application No. 10/416,623

2

found in the application file. The "Express Mail" certificate ties the national stage application papers and the "Express Mail" label together such that it is clear that the national stage application papers were deposited on 12 May 2003. Applicant requests a filing date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 12 May 2003 be accorded application 10/416,623.

The actual filing date of the present application is considered to be the international filing date, 05 November 2001. The application file indicates that applicant completed the requirements set forth in 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) on 12 May 2003. The Notification of Acceptance (FORM PCT/DO/EO/903) mailed on 11 September 2003 indicated the improper 35 U.S.C. 371(c) (1), (c)(2) and (c)(4) date and is vacated. (Note MPEP section 1893.03(b).)

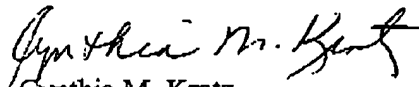
CONCLUSION

Applicant's request that 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 12 May 2003 be accorded application 10/416,623 is GRANTED.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 11 September 2003 is hereby VACATED.

This application is being forwarded the US Designated/Elected Office for issuance of a corrected Notification of Acceptance (FORM PCT/DO/EO/903) indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 12 May 2003 and a corrected filing receipt.

The application will then be forwarded to Art Unit 3624 for examination in due course.


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